

Serial No.: 10/551,898
Examiner: Larry R. Wilson
Reply to Office Action Mailed October 16, 2008 and Advisory Action mailed January 29, 2009
Page 4 of 6

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claim 1 has been revised. Support for the revisions can be found at, e.g., page 5, lines 1-2, page 8, lines 11-14 and Figs. 2 and 4, among other places. Claims 1 and 4-7 remain pending in the application.

Claim Rejections – 35 USC § 102

Claims 1-4 are rejected under 35 USC § 102(b) as being anticipated by Whisson (US 5,762,632). Claims 2 and 3 were canceled without prejudice in the Amendment and Response filed January 8, 2009. Applicants respectfully traverse this rejection.

Claim 1 requires that a needle be inserted into and coupled with a bore of a hub at a front end of the hub. The present hub having the bore at its front end helps holding the needle in the bore and thus helps effectively retain and position the needle (see, e.g., page 4, lines 2-5 of the specification, among other places).

Whisson fails to disclose that a needle is inserted into and coupled with a bore of a hub, as required by claim 1. The rejection refers to the flexible delivery tube 13 in Whisson as teaching the hub of claim 1. However, as clearly shown in Figs. 5 and 6 of Whisson, the outer diameter of a needle 12 appears to be larger than the diameter of the flexible delivery tube 13 and the needle 12 cannot be inserted into the flexible delivery tube 13 (Whisson, col. 2, lines 52-67). For at least this reasons, claim 1 is patentable over Whisson. Claim 4 depends from claim 1 and is patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim Rejections – 35 USC § 103

Claims 1-7 are rejected under 35 USC § 103(a) as being unpatentable over Teraoka (EP 1 048 311) in view of Whisson. Claims 2 and 3 were canceled without prejudice in the Amendment and Response filed January 8, 2009. Applicants respectfully traverse this rejection.

Serial No.: 10/551,898
Examiner: Larry R. Wilson
Reply to Office Action Mailed October 16, 2008 and Advisory Action mailed January 29, 2009
Page 5 of 6

Teraoka discusses an injection needle device 1 that includes an injection needle 2 and a cylindrical holder 3 for holding a base end of the injection needle 2 and tightly fixing the injection needle 2 (see Teraoka, Fig. 1 and paragraph [0022]). The cylindrical holder 3 in Teraoka is in turn secured to a tube 4 made of polyvinyl chloride resin by a connector 5 (see Teraoka, Fig. 1 and paragraph [0022]). The holder 3, connector 5 and tube 4 act together, tightly securing the base end of the injection needle 2 to the holder 3 to ensure precise operation of the injection needle 2.

On the other hand, Whisson discusses a needle 12 secured to a base 11, where a user can manipulate the base 11 to effect insertion or removal of the needle 12 (see Whisson, Abstract and Figs. 1 and 5). Whisson also discusses a flexible delivery tube 13 that is received within a flexible duct 23 for delivering medicine to the needle 12 (see Whisson, Abstract and Figs. 1 and 5).

There is no reasonable basis to modify the holder 3 and tube 4 in Teraoka with the flexible delivery tube 13 and flexible duct 23, respectively. In fact, the Whisson flexible delivery tube 13 and the flexible duct 23 would not provide adequate support for the Teraoka injection needle 2.

For at least these reasons, claim 1 is patentable over Teraoka in view of Whisson. Claims 4-7 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time.

Serial No.: 10/551,898
Examiner: Larry R. Wilson
Reply to Office Action Mailed October 16, 2008 and Advisory Action mailed January 29, 2009
Page 6 of 6

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800

Dated: March 30, 2009

By: 
Douglas P. Mueller
Reg. No. 30,300

DPM/cy

